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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,467	05/08/2001	Caleb Fung	P-24, 554-A USA	3604
7590 06/28/2005 Theodore Naccarella, Esquire Synnestvedt & Lechner LLP 2600 Aramark Tower 1101 Market Street Philadelphia, PA 19107-2950			EXAMINER NGUYEN, LE V	
			ART UNIT 2174	PAPER NUMBER
DATE MAILED: 06/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,467

Applicant(s)

FUNG ET AL.

Examiner

Le Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,11-26,28 and 31-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,11-26,28 and 31-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to an amendment filed 5/18/05.
2. Claims 1-6, 8, 11-26, 28 and 31-38 are pending in this application with independent claims 1, 6 and 2. Claims 7, 9, 10, 27, 29 and 30 have been cancelled; and, claims 1, 6, 11, 13-19, 21, 23-26, 28 and 31-38 have been amended. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: 203(b-h) of page 12, line 24 through page 13, line 6. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The specification is objected to because they do not include the following reference character(s) depicted in the drawings:

- a) fig. 2: 101-11;
- b) fig. 3: 202(b-h);
- c) fig. 5: 1-25;
- d) fig. 7: 601-605 and 202d; and
- e) fig. 9: 202(b-h).

Claim Objections

6. Claim 13 is objected to because of the following informalities: "from the other said segments" needs to be changed to -- from other said segments --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-5, 11-26, 21 and 31-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 21 recites the limitation "said icon" and "said cursor" in lines 12, 13, 15, 16 and 17 of claim 1 and lines 15 and 16 of claim 21. There are insufficient antecedent bases for these limitations in the claims.

Claims 11-13 recites the limitation "the act of said user positioning said cursor" in lines 1-2 of claim 11, "said line" in line 12 of claim 11 and line 1 of claim 13, "said icon" in line 1 of claim 12, and "said circular icon" of line 2 of claim 12. Again, there are insufficient antecedent bases for these limitations in the claims.

Claim Rejections - 35 USC § 103

9. Claim 6 is rejected under 35 U.S.C. 103(A) as being unpatentable over Buxton et al. ("Buxton") in view of Screen Dumps of Microsoft Word 2000 ("MS Word").

As per claim 6, Buxton teaches a graphical user interface tool for use in connection with a computer program which can simultaneously display multiple files on a computer display device, each file appearing in a different area on the display device (figs. 1 and 6; col. 8, lines 16-51; col. 14, lines 29-44; *an overlay palette tool used in connection with multiple files*), the tool comprising means for allowing a user to invoke the tool in association with a selected one of the multiple files using a computer interface device (figs. 1 and 6; col. 8, lines 16-51; col. 14, lines 29-44; *invoking the tool in association with a selected one of the multiple files via positioning the overlay so that the tool is over the file*), means for causing a graphic representation of the tool to appear on the display device responsive to being invoked by the user, the graphic representation comprising a plurality of portions, each corresponding to an operation

Art Unit: 2174

that can be performed in connection with the selected file with means for allowing the user to select one of a plurality of operations using a user interface device (fig. 6; col. 14, lines 29-44; *the overlay comprises a plurality of portions such as Delete, Move and Copy operations that can be performed in connection with the selected file*), wherein a means for allowing a user to invoke the tool in association with the selected file associates said tool with said file displayed in the panel within which a cursor was positioned when said tool was invoked (fig. 6; col. 14, lines 29-44).

Buxton does not explicitly disclose wherein the means for allowing a user to invoke the tool in association with the selected file associates said tool with said file displayed in the panel within which a cursor was positioned when said tool was invoked wherein the plurality of operations differ depending on the selected file and causing the operation to be performed on the selected file. MS Word teaches a GUI tool for use in connection with a computer program which can simultaneously display multiple files on a computer display device, each file appearing in a different area on the display device, wherein a means for allowing a user to invoke the tool in association with the selected file associates said tool with said file displayed in the panel within which a cursor was positioned when said tool was invoked (figs. 2-3; *invoke the tool 320 in association with the selected file "Class 345..." via placing the cursor (not shown) on pane 310*) wherein the plurality of operations differ depending on the selected file (figs. 2-3; *plurality of operations differ depending on the selected file such that tool 220 changes to tool 320 when file "Class 345..." is selected*) and causing the operation to be performed on the selected file with means for allowing the user to select one of a plurality of operations

Art Unit: 2174

using a user interface device (*using a mouse, one of a plurality of operations such as cut 325 may be performed on file "Class 345..."*). Therefore, it would have been obvious to an artisan at the time of the invention to include MS Word's teaching wherein allowing a user to invoke the tool in association with the selected file associates said tool with said file displayed in the panel within which a cursor was positioned when said tool was invoked wherein the plurality of operations differ depending on the selected file and causing the operation to be performed on the selected file to Buxton's teaching wherein allowing a user to invoke the tool in association with the selected file associates said tool with said file displayed in the panel within which a cursor was positioned when said tool was invoked in order to provide users with in order to provide users with a visual indication of a selectable item in focus, e.g. highlighting, etc., and so that a particular menu displayed is dependent on what a user is doing at a particular moment.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buxton in view of Screen Dumps of Microsoft Word 2000 ("MS Word") as applied to claim 6, and further in view of Wynn et al. ("Wynn").

As per claim 8, the modified Buxton teaches a graphical user interface tool for use in connection with a computer program which can simultaneously display multiple files on a computer display device, each file appearing in a different area on the display device (Buxton: figs. 1 and 6; col. 8, lines 16-51; col. 14, lines 29-44; *an overlay palette tool used in connection with multiple files*), wherein the files may be downloaded from a remote file storage system (col. 7, lines 59-67). The modified Buxton does not explicitly disclose the files being presented in a Web browser as Web pages. Wynn teaches a

Art Unit: 2174

graphical user interface tool for use in connection with a computer program which can display files on a computer display device, wherein the files are Web pages accessed by the Web browser, the Web browser being a computer program (figs. 10 and 11 *and respective portions of the specification*). Therefore, it would have been obvious to an artisan at the time of the invention to include Wynn's teaching of a user interface tool for use in connection with a computer program such as a Web browser which can display files as Web pages to the modified Buxton's teaching of a user interface tool for use in connection with a computer program which can display files so that users' may have access to additional files.

Allowable Subject Matter

11. Claims 1 and 21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 2-5, 14-20, 22-26, 28 and 31-38 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Response to Arguments

12. Applicant's arguments with respect to claim 6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquires

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is (571)

Art Unit: 2174

272-4068. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
June 13, 2005

Kristine Kincaid
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